

1 Ann A. Hull SBN: 252855
2 Jeffrey M. Schwartz. SBN: 254916
3 LAW OFFICES OF ANN A. HULL, INC.
4 21900 Burbank Blvd., 3rd Floor
5 Woodland Hills, CA 91367
6 Telephone: (818) 992-2924
7 Facsimile: (818) 322-1321
8 *hull_ann@yahoo.com*

9 Attorneys for Plaintiff
10 ROYA SAGHAFI

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

13 ROYA SAGHAFI, an individual,
14 Plaintiff,

15 vs.

16 PALISADES CHARTER HIGH
17 SCHOOL, a corporation; AMY NGUYEN,
18 an individual; and DOES 1 through 10
19 Defendants.

Case No.: BC708497

MOTION TO CONTINUE TRIAL

Date: June 24, 2019
Time: 8:30 a.m.
Dept.: 72
Judge: Ruth Ann Kwan
Reservation No.: 037381681604

INTRODUCTION

20 Plaintiff Roya Saghafi is a female science teacher from Iran who reported bullying,
21 discrimination, and harassment at the school. Defendants retaliated by, among other things,
22 falsely reporting to the police that Saghafi was a danger to herself or others, resulting in her being
23 confronted at her home by armed officers. Saghafi alleges that defendants discriminated against,
24 and harassed, her based upon her race and nationality.

25 Saghafi has been diligent in prosecuting her case. However, due to the extensive number
26 of witnesses, discovery delays, and conflicting trial schedules, she needs more time to properly
27 prepare her case for trial. Saghafi respectfully requests a continuance of trial and of the discovery

1 cut-off time, with the trial date to start between September 5, 2019 to September 30, 2019 or at a
2 time thereafter that is convenient to the Court.

3
4 **CALIFORNIA RULES OF COURT ALLOW CONTINUANCE OF TRIAL UPON AN**
5 **AFFIRMATIVE SHOWING OF GOOD CAUSE**

6 Although continuances of trials are disfavored, each request for a continuance must be
7 considered on its own merits. The court may grant a continuance only on an affirmative showing
8 of good cause requiring the continuance. Circumstances that may indicate good cause include: (3)
9 The unavailability of trial counsel because of death, illness, or other excusable circumstances; and
10 (6) A party's excused inability to obtain essential testimony, documents, or other material
11 evidence despite diligent efforts. Cal. Rule of Court, rule 3.1332(c).

12 The court should also consider: (2) Whether any previous continuance was requested; (3)
13 The length of the continuance requested; (4) Availability of alternative means to address the
14 problems that gave rise to the motion or application for a continuance; (5) The prejudice that
15 parties or witnesses will suffer as a result of the continuance; (8) Whether the trial counsel is
16 engaged in another trial; and (10) Whether the interests of justice are best served by a
17 continuance, by the trial of the matter, or by imposing conditions on the continuance. Cal. Rule of
18 Court, rule 3.1332(d).

19 Finally, "Judges deciding whether to grant continuances must balance these factors and
20 not focus on just one, such as the impact on the court's own calendar." *Oliveros v County of Los*
21 *Angeles* (2004) 120 CA4th 1389.

22
23 **THE CONTINUANCE SHOULD BE GRANTED BECAUSE SAGHAFI HAS MADE AN**
24 **AFFIRMATIVE SHOWING OF GOOD CAUSE**

25 Saghafi has good case for her request for a continuance because her trial counsel is
26 expected to be unavailable because of another matter involving a minor and, despite her best
27 efforts, she has been unable to obtain sufficient discovery responses to prepare her case for trial.

1
2 As Saghafi's trial counsel explains in her declaration, she will likely be engaged in
3 another trial around the scheduled trial in this matter. Hull dec. ¶¶ 33, 34.

4 Additionally, despite her best efforts, Saghafi has been unable to obtain sufficient
5 discovery responses to prepare her case for trial. For example, Saghafi noticed the deposition of
6 the School's Person Most Qualified (PMQ) which included a Request for Production of
7 Documents. Ex. 1. But defendants said that he/she was unavailable and refused to him/her until
8 after the School had taken Saghafi's deposition. Ex. 2. When the School produced its documents,
9 the Bates stamps indicated that hundreds of documents were not provided. Hull dec. ¶ 20. Saghafi
10 notified the School about the problem. Exs. 9, 15, 16. The School told Saghafi that it would
11 provide a link to the missing documents but failed to do so. Ex. 10; Hull dec. ¶¶ 22-24.

12 Saghafi also noticed the depositions of School employees Drs. Lee and Magee. Ex. 13.
13 But those depositions haven't occurred. Exs. 14, 15. Without this discovery, Saghafi is unable to
14 properly prepare her case for trial.

15 Saghafi asked defendants to stipulate to continue the trial (Ex. 14) but they refused,
16 necessitating this motion.

17 CONCLUSION

18 For all of the reasons cited above, Saghafi respectfully asks this Honorable Court to
19 continue her trial until October 20th, 2019, or at a time thereafter that is convenient to the Court.
20

21 LAW OFFICES OF ANN A. HULL, INC.

22 By: 
23

24 Ann A. Hull
25 Jeffrey M. Schwartz
26 Attorneys for Plaintiff,
27 ROYA SAGHAFI
28

PROOF OF SERVICE

I am a resident of the State of California over the age of eighteen year, and not a party to the within action. My business address is: LAW OFFICES OF ANN A. HULL, INC., 21900 Burbank Blvd., 3rd Floor, Woodland Hills, California 91367. On **June 20, 2019**, I served the within documents:

MOTION TO CONTINUE TRIAL

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at Woodland Hills, addressed as set forth below. AND BY EMAIL

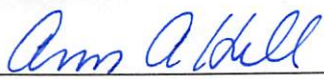
Theresa M. Marchlewski
Ellen E. Cohen
JACKSON LEWIS P.C.
725 South Figueroa Street, Suite 2500
Los Angeles, CA. 90017-5408
Fax: (213) 698-0430
Theresa.marchlewski@jacksonlewis.com
Ellen.cohen@jacksonlewis.com

Attorneys for Defendants

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **June 20, 2019** at Woodland Hills, California.



Ann Hull



Journal Technologies Court Portal

Make a Reservation

ROYA SAGHAFI VS PALISADES CHARTER HIGH SCHOOL ET AL

Case Number: BC708497 Case Type: Civil Unlimited Category: Civil Rights/Discrimination

Date Filed: 2018-06-01 Location: Stanley Mosk Courthouse - Department 72

Reservation

Case Name:	ROYA SAGHAFI VS PALISADES CHARTER HIGH SCHOOL ET AL	Case Number:	BC708497
Type:	Motion to Continue Trial Date	Status:	RESERVED
Filing Party:	Roya Saghafi (Plaintiff)	Location:	Stanley Mosk Courthc
Date/Time:	09/05/2019 9:00 AM	Number of Motions:	1
Reservation ID:	037381681604	Confirmation Code:	CR-YJPQZPKXPP55Q

Fees

Description

Motion to Continue Trial Date
Credit Card Percentage Fee (2.75%)
TOTAL

Payment

Amount:	\$61.65	Type:	Visa
Account Number:	XXXX3826	Authorization:	001523

[Print Receipt](#)

[Reserve Another Hearing](#)

